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OFFICE OF
INSURANCE COMMISSIONER

In the Matter of

David S. Lower,

Licensee.

No. D 05- 409

STIPULATION AND ORDER
LEVYING A FINE

Hearings Unit, DIC
Patricia D. Petersen
Chief Hearing Officer

STIPULATION BY AGENT

David S. Lower, ("licensee") hereby stipulates to the payment of a fine in the total amount of \$ 500.00 based on the following facts which are hereby acknowledged. Licensee further stipulates and agrees that he will comply with Washington insurance laws and regulations in the future.

1. The Commissioner sent written inquiries on March 16, June 20 and September 6, 2005. These inquiries related to the business of insurance, requesting replacement fingerprint cards. Licensee did not respond to any of them. Each such failure to respond promptly in writing violated RCW 48.17.475. These failures prompted the issuance of an order to revoke licensee's license effective October 31, 2005.

2. Contact was made, on behalf of the licensee, November 28, 2005. As a result of this contact, an agreement was reached to pay the fine in lieu of revocation.

The licensee has engaged in practices that are not in accord with the standards set out in the insurance code of Washington. Accordingly, the licensee enters this Stipulation to the following Order voluntarily and with the understanding that such fine is in lieu of any suspension or revocation of the licensee's license for such conduct. The licensee further stipulates and agrees that the licensee will promptly respond to future inquiries from the Commissioner, that a failure to respond within fifteen business days from receipt of an inquiry will be considered untimely and a violation of RCW 48.17.475 justifying revocation of the licensee's license, and that the facts described above, and the fact of this stipulation, may be considered by the Commissioner in any future administrative actions regarding licensee.

Signed this 23rd day of December, 2005.

By: David S. Lower
David S. Lower

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ORDER

Pursuant to RCW 48.17.560 and the foregoing Stipulation, the Commissioner hereby imposes a fine in the amount of \$ 500.00 upon David S. Lower.

Pursuant to RCW 48.17.475, licensee shall respond to future inquiries from the Commissioner no later than fifteen business days from receipt of an inquiry and a failure to respond within such time will be considered untimely and a violation of RCW 48.17.475 justifying revocation of the licensee's license

The fine shall be paid in full within 30 days from the date of this Order. Upon failure to pay the fine, the Commissioner will revoke the license of the licensee and the fine will be recoverable in a civil action brought on behalf of the Commissioner by the Attorney General.

ENTERED AT TUMWATER, WASHINGTON, this 28th day of December, 2005

MIKE KREIDLER
Insurance Commissioner

By

Catherine E. Rogerson

JOHN F. HAMJE
Deputy Insurance Commissioner
Consumer Protection Division

Investigator: Cheryl Penn

DECLARATION OF MAILING

I certify under penalty of perjury under the laws of the State of Washington that on the date listed below, I mailed or caused delivery of a true copy of this document to **David S. Lower**.

Dated: December 28, 2005
At Tumwater, Washington

Victoria Meyer
Victoria Meyer